

7 JANUARY 1948

I N D E X
of
EXHIBITS
(cont'd)

<u>Doc. No.</u>	<u>Def. No.</u>	<u>Pros. No.</u>	<u>Description</u>	<u>For Ident.</u>	<u>In Evidence</u>
1070	3696		Sworn Statement Major General F.S.G. Piggott, Military Attache to the British Embassy, Tokyo, 1921- 1926 and 1936-1939		36890
1069	3697		Affidavit of IINUMA, Mamoru		36893
2910	3698		Affidavit of TAKEBE, Rokuzo		36893
2959	3699		Affidavit of TAKEI, Seitaro		36896
3200		3700	Outline of the Speech made by the Chief of Staff, Kwantung Army, at the Conference of Formation Commanders in December, 1941 - dated 5 December 1941		36902
3201		3701	Outline of the Speech made by the Chief of Staff, Kwantung Army, at the Conference of Formation Commanders in April 1941		36907

Wednesday, 7 January 1948

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INTERNATIONAL MILITARY TRIBUNAL
FOR THE FAR EAST
Court House of the Tribunal
War Ministry Building
Tokyo, Japan

The Tribunal met, pursuant to adjournment,
at 0930.

Appearances:

For the Tribunal, all Members sitting.

For the Prosecution Section, same as before.

For the Defense Section, same as before.

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(English to Japanese and Japanese
to English interpretation was made by the
Language Section, IMTFE.)

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1 MARSHAL OF THE COURT: The International
2 Military Tribunal for the Far East is now in session.

3 MR. BLEWETT: If the Court please, yesterday
4 the President announced that the Tribunal may have
5 further questions of the witness.

6 THE PRESIDENT: We have a few, Mr. Blewett,
7 and I shall put them immediately.

8 - - -

9 H I D E K I T O J O, an accused, resumed the stand
10 and testified through Japanese interpreters as
11 follows:

12 BY THE PRESIDENT:

13 Q At page 95 of your affidavit you say there
14 was a telegram from the British Ambassador in Tokyo
15 addressed to the British Foreign Minister Eden dealing
16 with the prospects of a settlement between the United
17 States and Japan. You say that "We looked upon this
18 as a typical observation entertained at that time by a
19 third party . . ." Did you know at that time of the
20 telegram to Mr. Eden?

21 A I did not know the fact that the telegram at
22 that time was sent to the Foreign Secretary Eden but
23 I have written this testimony in my affidavit from
24 what I heard from Foreign Minister TOYODA that he had
25 informed Ambassador NOMURA to that effect.

1 Q We note that according to exhibit 2908 the
2 telegram to Mr. Eden was in figure cipher. However,
3 you do say that at the time the substance of the
4 telegram was known to Japanese ministers.

5 A I have not stated in my affidavit that it
6 was known to a circle of people. Perhaps there might
7 be some mistake in the translation, I do not know.
8 This much is a fact that the fact of this telegram was
9 known by the Foreign Minister, that the Foreign Minister
10 told me about it, and that the Foreign Minister informed
11 NOMURA about it.

12 Q Well, that is all we want to know.

13 Now, in your affidavit in paragraph 130 you
14 deny all responsibility for the behavior of the army
15 in the field, and you stated that the final responsi-
16 bility involved in those matters rested with the Chief
17 of the General Staff. We have two observations on this
18 on which we invite your answer:

19 The first: According to Article 1 of the
20 Organization of the War Ministry the War Minister con-
21 trols officers and civilians in the military service.

22 2. There have been introduced in evidence
23 several instructions of the War Ministry concerning
24 the behavior of the army in the field, among them the
25 field section instructions, exhibit 3069, issued by

1 you in January 1941, and directed to all army officers,
2 soldiers and civilian employees of the army as to their
3 behavior in the field.

4 Was it not the War Minister's duty to see
5 these instructions were carried out?

6 A May I make a plain reply to that question?
7 According to the regulations governing the organization
8 of the War Ministry the War Minister controls officers,
9 soldiers and civilians attached to the army, that is,
10 he supervises the status of the officers and men and
11 civilians in the field. However, responsibility for
12 any acts made by officers and men or civilian employees
13 of the army after they have been organized and placed
14 under the supervision and control of the high command
15 falls under the responsibility of the high command,
16 that is to say, the Chief of the General Staff.

17 Perhaps my reply has not been too clear so
18 I shall add a few more remarks. The Minister of War
19 is, while being a member of the government, is at the
20 same time a participant in the Imperial General Head-
21 quarters and in that status, that is, as a participant
22 in the Imperial General Headquarters the War Minister
23 has the duty of looking after matters of military,
24 that is army administration as well as military per-
25 sonnel in connection with operational matters. Hence,

1 the acts of such personnel do not fall under the
2 responsibility of the government but under the respon-
3 sibility of the high command.

4 That, generally, I think answers the question.

5 Q Could the War Minister order a court-martial
6 in case he knew that laws of warfare were violated by
7 officers or soldiers in the field?

8 A Order for any court-martial is issued by the
9 Chief of the Army General Staff. However, the War
10 Minister participates in any such matters in accordance
11 with his status, that is to say, is responsible
12 for the handling of military administration, that is,
13 administration of army affairs and army personnel.

14 Q Did you ever discuss plans to prevent the
15 destruction of oil fields in the Netherlands East Indies
16 as referred to in exhibit 628?

17 A No, I have not.

18 Q I am referring to exhibit 628 again. On page
19 8 the following appears: "If any of the important
20 natural resources should be destroyed, all the persons
21 connected with the raw material, ten government officials
22 concerned, shall be severely punished as being the
23 responsible persons."

24 Did you take part in the making of that decision?

25 A Where was that order issued from?

1 Q This is headed "Japanese Foreign Policy. Ten-
2 tative Plan for Policy towards Southern Regions. Very
3 Secret. 28 September 1940."

4 A Where was this document prepared, if I may
5 ask?

6 Q It is certified as an official document of the
7 Japanese Government and to be part of the official
8 archives and files of the following named ministry or
9 department. Then we have "The Archives Section, Foreign
10 Office." It is further described as "Instructions
11 from the Foreign Minister to the Envoy Extraordinary
12 and Ambassador Plenipotentiary, HONDA."

13 A No, I do not believe in that. I have never
14 even thought of it.

15 Q Well, you state that about the 18th or 19th
16 September 1940 the Imperial Headquarters issued instruc-
17 tions to the NISHIHARA unit to request a reply with
18 the deadline to be set at noon on 22 September. What
19 particular person or persons issued those instructions?

20 A As I have clearly stated in my affidavit, the
21 instruction was issued by the Chief of the General
22 Staff but following consultation with the government.
23 Naturally, I am connected with this matter.
24
25

1 Q Were the instructions issued with your pre-
2 vious agreement or knowledge?

3 A Yes, as War Minister I was informed. May --
4 shall I state the reason?

5 Q You may.

6 A I do not remember the date exactly at this
7 present moment but with regard to the stationing -- the
8 advance and stationing of Japanese forces in northern
9 French Indo-China an agreement had been arrived at
10 between the governments of the two countries. With
11 regard to the enforcement of the agreement orders were
12 issued by both governments to their representatives
13 in the field or on the spot. On the 4th of September,
14 1940, the agreement had generally been concluded; the
15 agreement -- the talks had already been completed and
16 the agreement had been concluded. On the 5th of Sep-
17 tember there was some kind of action taken by the front
18 line Japanese units which appeared to have violated the
19 frontier. However, the action of the unit was taken in
20 complete ignorance of the frontier. Not one shot was
21 fired.

22 Using this action by the Japanese unit as a
23 pretext, the French representatives on the field tried
24 to take various measures so as to delay the execution
25 of the agreement concluded between the two governments.

1 As for Japan, she waited impatiently for the enforce-
2 ment of this -- of the agreement up to the 16th or
3 17th of September. The measures just referred to were
4 taken by the Japanese side because the French representa-
5 tives on the spot would not enforce the agreement in
6 accordance with instructions from their home govern-
7 ment. That is the reason which I wished to state.

8 I believe that the dates I gave are accurate
9 but to be doubly sure of that I wish that the Tribunal
10 will refer to the dates given in my affidavit which are
11 correct.

12 Q What persons, other than yourself, advised
13 the Emperor to declare war on America and Britain?

14 A It seems to be a very important question so
15 I would like to have it repeated. It was not clear to
16 me.

17 (Whereupon, the Japanese court reporter
18 read.)

19 A A very complex or complicated question is
20 involved in that question, but I shall attempt to reply
21 to it.

22 With regard to Japan's decision for war, as I
23 have already clearly set forth in my affidavit, the
24 conclusion that war was unavoidable for self-defense
25 was arrived at after very serious and profound

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1 consideration of this highly important issue by the
2 Liaison Conference, by the Imperial Conference, by
3 the Conference of Senior Statesmen, and by the Confer-
4 ence of the Supreme War Council.

5 Now I shall reply to the question directly.
6 The last decision arrived at after these series of con-
7 ferences was reported to His Majesty, the Emperor,
8 personally by me and by both chiefs of staff. Both
9 chiefs of staff, that is, the Chief of the Army General
10 Staff and the Chief of the Naval General Staff, and I
11 told the Emperor that in order to maintain our national
12 honor and in order to live as a nation there was no
13 road for us to take but war. The Emperor gave his
14 approbation to our advice.

15 THE PRESIDENT: There are no further questions
16 on behalf of the Tribunal for the time being.

17 MR. BLEWETT: If the Court please, I have a
18 few questions on redirect.

19 THE PRESIDENT: Mr. Blewett.
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REDIRECT EXAMINATION

1 BY MR. BLEVETT:

2 Q In answer to a question by his Honor, the
3 President of this Tribunal, regarding field service
4 instructions it appears that you did not complete your
5 answer in so far as the responsibility is concerned for
6 following out these instructions in the field.
7

8 A I think I completed my answer.

9 Q Well, that is quite all right then. I wasn't
10 quite sure that you had completed the second part of
11 that answer.

12 A I think I concluded my reply.

13 Q Well, did you in your reply include the
14 responsibility for the actual carrying out of these
15 instructions in the field?

16 A The commanders in the field were responsible
17 for the execution of the instructions in the field,
18 that is, the field service instructions.

19 THE PRESIDENT: I have a further question or
20 two.

21 BY THE PRESIDENT:

22 Q Early in November, 1941, Tokyo instructed
23 NOMURA that agreement must be reached with the United
24 States by the 25th November, otherwise things would
25 automatically begin to happen. Why was this date, 25th

November, chosen?

1 A That was a step or measure considered by
2 the Foreign Minister. The Prime Minister does not
3 know fully of the particulars. However, I can make
4 some assumptions or presumptions.

5 Q Before you assume anything, was the fixation
6 of this date connected with the order previously
7 issued to the fleet to sail on the 26th of November?

8 A There is no connection whatsoever, and there
9 can be no possibility of the Foreign Minister knowing
10 of it.

11 Q Well, we need not comment on that reply. That
12 was always a possibility.

13 A When I said that there could not have been
14 such a possibility, I was saying that there was no
15 possibility, there was no room for the Foreign Minister
16 ever to know anything about operational actions.

17 Q Well, would you like to add anything to what
18 you have said? You were going to make an assumption.

19 A Well, I thought it might be of reference --
20 I thought it might be of benefit to the Tribunal if I
21 spoke about it, but I am not necessarily volunteering
22 to give the explanation. If the Tribunal has a desire
23 to hear my explanation I am ready to proceed, but I am
24 not necessarily volunteering to make any statement.
25

1 THE PRESIDENT: We will not compel you to
2 answer.

3 THE WITNESS: Then I shall not make any
4 remarks.

5 THE PRESIDENT: Mr. Blewett.

6 REDIRECT EXAMINATION (Continued)

7 BY MR. BLEWETT (Continued):

8 Q Reference was made here a few moments ago
9 in answer to a question by His Honor, the President
10 of this Tribunal, in which you mentioned decision
11 of the Cabinet, the Liaison Conference, the Imperial
12 Conference, and the Supreme War Councilors. Now, can
13 you tell us whether or not that decision or those
14 decisions were unanimous?

15 A With the exception of the Conference of the
16 Senior Statesmen, the decisions at all other confer-
17 ences were unanimous. The Conference of Senior
18 Statesmen does not make any decisions.

19 Q You were asked this question by the Chief
20 Prosecutor during his cross-examination:

21 "Did you think, TOJO, that any self-respecting
22 nation that was conquered would discuss the terms
23 of peace with a huge enemy army occupying its main
24 cities?"
25

MR. KEENAN: Mr. President, I object to

1 that question as a misquotation of the Chief
2 Prosecutor's statement at the lectern. The word "not"
3 was omitted, and I called it to the attention of the
4 stenographic group.

5 MR. BLEWETT: I copied it from the record,
6 sir, but that is only a prelude to the question I am
7 about to ask the witness with reference to the same
8 matter.

9 THE PRESIDENT: You are not pressing that
10 question, I take it, Mr. Blewett?

11 MR. BLEWETT: Yes, I am. I quoted the
12 question, your Honor, to direct the attention of the
13 witness to an answer to a subsequent question. I
14 should say that it was in answer to that question,
15 but the witness was shut off from giving his reasons,
16 and I want to ask him now if he wants to give those
17 reasons.

18 THE PRESIDENT: If he was prevented from
19 answering completely, he may continue his answer now,
20 but the point should have been raised at the time.

21 MR. BLEWETT: It would seem to me, sir,
22 proper for him to explain the reasons now on redirect.

23 THE PRESIDENT: He can clear up anything, but
24 on redirect examination you generally do not complete
25 your answers on examination in chief or on cross-

1 examination. What you do is explain anything which
2 you have left obscure. However, let him continue his
3 answer, if he did not complete it.

4 BY MR. BLEWETT (Continued):

5 Q In answer to that question you said that
6 that would depend on the terms of the peace treaty,
7 but you were not permitted to give your reasons.
8 Now, do you wish to do so?

9 MR. KERNAN: Mr. President, with great
10 respect, I ask this Court to enforce the same rule
11 with this witness as with any other. The record,
12 I believe, will not show that he was not permitted
13 to give his reasons. I think, Mr. President, that
14 it may be fairly observed that if ever in the history
15 of litigation a witness was given a fair opportunity
16 to fully explain everything he wanted to, that
17 opportunity has been given for several days to this
18 accused on the witness stand.

19 THE PRESIDENT: The Tribunal desires that he
20 answer Mr. Blewett, that is, complete the answers
21 which he says he did not complete on cross-examination.
22 So we direct that he answer.

23 THE WITNESS: Shall I reply?

24 MR. BLEWETT: You may do so.

25 A I used the words, "depends on the terms of

1 the peace," in reply to an "if" question, that is,
2 a hypothetical question addressed to me by the
3 prosecutor. I shall now speak of the terms.

4 If both Japan and China considered the
5 stabilization of East Asia as being their highest
6 objective, and if the terms were in accord with that
7 objective, I believe at the time that any statesmen
8 should agree to such terms, that is, the statesmen
9 should agree to such a term of peace, whatever may be
10 their vicissitudes of the war.

11 THE INTERPRETER: We shall give a retransla-
12 tion to this latter part in order to make sure there
13 is no mistake: "Whatever may be the vicissitudes of
14 war the statesmen of a country involved should respond
15 in accord and comply with such terms of peace."

16 Q Were there many miles of improved highways
17 and railroads built by the Japanese in Manchuria for
18 military purposes exclusively?

19 A No, none. The principal purpose of the roads
20 and railroads constructed in Manchukuo were for pur-
21 poses of industrial development, or the development
22 of untapped regions. The development of these means
23 of transportation was for the same purposes or similar
24 purposes, or can be likened to the Russians building
25 railroads and roads in Siberia.

Q Alluding entirely to an inference of the
1 prosecution, did you at any time seek or engage anyone
2 in your behalf to obtain the position of War Minister
3 in the third KONOYE Cabinet?

A That is a most preposterous suggestion. There
4 was no such case at all.

Q Did your fellow accused or any of them join
5 as a group to force you into that position with a
6 joint understanding that you were to control the foreign
7 and domestic policies of the Japanese Government?
8

A I have never thought of it, never planned
9 such a thing as just suggested by you, and I do not
10 believe that the persons you have referred to ever
11 conceived of going such a thing.

Q Was your selection for that post in the
12 slightest degree at variance with the testimony rela-
13 tive thereto as was cited in your affidavit?
14

MR. KEENAN: Mr. President, I object to
15 that question as being an improper one, a sheer waste
16 of time.
17

MR. BLEWETT: I understand, sir, that of
18 course the witness has attested to the truth of the
19 affidavit.
20

THE WITNESS: Shall I reply?
21

MR. BLEWETT: It simply refers to it cursorily,
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1 and some intimation has been made that other persons
2 were influential in obtaining this position for TOJO.

3 I understand the purpose of the objection,
4 and I shall not press it if the Tribunal feels that
5 it is a waste of time and unnecessary.

6 Q The Chief Prosecutor has referred to the
7 expression "niki sansuke." Did MATSUOKA and HOSHINO
8 at any time to your knowledge engage in a plot or
9 unlawful scheme or campaign to force you into the
10 position of Vice-War Minister.

11 MR. KEENAN: Mr. President, I hesitate to
12 repeat these objections, but I think it ought to be
13 made abundantly clear that the prosecution has never
14 claimed that this accused was forced into anything;
15 and, therefore, these questions are highly improper
16 and an utter waste of time.

17 THE PRESIDENT: In view of the attitude of
18 the prosecution, the question is unnecessary and not
19 allowed.
20

21 MR. BLEWETT: Sir, there is a clear intimation
22 in the Chief Prosecutor's question as to these five
23 men being dominant in Manchuria, and certainly an
24 intimation and an inference that they assisted him
25 or put him in this position for some nefarious reasons.

THE PRESIDENT: We have given our decision

and will not allow it to be debated.

1 MR. KEENAN: I hope, Mr. President, that the
2 difference between the meaning of the words "force" and
3 "assist" will be thoroughly understood without any
4 argument to the Court or counsel.

5 Q Is the position of the Vice-War Minister
6 considered a cabinet position or not?

7 THE PRESIDENT: It is unnecessary to answer
8 the question.

9 Q At the time of holding that position, were
10 you an army officer and under the supervision of the
11 army as such an officer?

12 A Yes, of course.

13 Q Are the circumstances concerning the dissolu-
14 tion of the YONAI Cabinet as testified to before this
15 Tribunal by the defense witness MITARAI?

16 THE PRESIDENT: Mr. Chief of Counsel.

17 MR. KEENAN: Mr. President, the prosecution
18 objects to this question and contends it is not the
19 privilege of this witness or any other to sum up the
20 evidence of another witness and weigh his own judgment
21 as to the truth and accuracy thereof; and, therefore,
22 we object.

23 MR. BLEWETT: I am sure the Tribunal noted
24 the many references throughout the witness' affidavit
25

1 as to pages, numbers, exhibits, and so on, with
2 reference to other witnesses. That was an effort,
3 if your Honor please, to avoid repetitiveness, which
4 ruling we have had by this Tribunal.

5 THE PRESIDENT: He can be asked whether he
6 agrees with what another witness has said if it is
7 really re-examination.

8 I do not think that line of questioning is
9 assisting us at all, though, Mr. Blewett; I must say
10 that.

11 MR. BLEWETT: Well, as I say, we thought
12 by referring to that testimony we could save the time
13 of this witness in making the explanation.

14 THE PRESIDENT: I think we are all against
15 you on the matter.

16 Q On 2 January, you were asked by the Chief
17 of Counsel as to the cause of the downfall of the YONAI
18 Cabinet, and you several times replied that the true
19 cause of the downfall of that cabinet was "lack of
20 political power" or lack of power to lead Japan.

21 That is on record page 36,577 and 36,580.

22 What do you mean by political power at that
23 time?

24 A By political power and lacking in that
25 element, I was referring to Prime Minister YONAI,

1 himself, and to the fact that the cabinet centering
2 around YONAI was lacking in political energy or poli-
3 tical vitality and ability.

4 Q Had YONAI support or not in so far as public
5 opinion is concerned, or was concerned at that time?

6 A I do not know whether it is appropriate for
7 me to speak of this subject, but I think that in the
8 last stage the public opinion or the public-at-large
9 was estranged from the YONAI Cabinet.

10 Q You were asked by the prosecution how the
11 United States entry into the Second World War affected
12 Japan.

13 The Chief Prosecutor does not recall that he
14 said Second World War, but my question is really aimed
15 at the First World War, so I shall change Second World
16 War to First World War.

17 And it was suggested to you that the United
18 States entry into the First World War did not cause
19 any convulsion in Japan.

20 Was there anything regarding the entry of
21 the United States in World War I that had any effect
22 upon Japanese policy in connection with World War II?

23 A Well, I can't quite catch the question.
24 Were you referring to the effect on Japan of the United
25 States entry into the First World War? Well, anyway,

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REDIRECT

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I can't get the question.

1 THE PRESIDENT: Repeat it after the recess.
2 We will recess for fifteen minutes.

3 (Whereupon, at 1045, a recess was
4 taken until 1100, after which the proceed-
5 ings were resumed as follows:)
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1 MARSHAL OF THE COURT: The International
2 Military Tribunal for the Far East is now resumed.

3 THE INTERPRETER: If the Tribunal please, the
4 question of defense counsel just before the recess has
5 been retranslated by the Language Section and will now be
6 given to the witness.

7 BY MR. BLEWETT (Continued):

8 Q Do you wish to answer that question or not,
9 General TOJO?

10 A Well, I could reply to that question, but the
11 question as I understood it, the effect of the First
12 World War on something at the time of the Second World
13 War, would require a very long reply, and therefore I
14 have no particular desire to indulge in a long disser-
15 tation. But if necessary, I will attempt to reply.

16 THE PRESIDENT: I do not think it will help us
17 at all.

18 Q I do not think that we shall require that,
19 General.

20 I have just one more question which refers to
21 a question that was put to you yesterday by the Honor-
22 able President of this Tribunal. You were asked con-
23 cerning the testimony of the witness ODAJIMA, whose
24 testimony is on page 27,862 of the record. You were
25 unable at that time to reply to the President because

1 you did not know the notifications referred to in the
2 testimony.

3 MR. BLEWETT: Now, with the leave of the Court,
4 if I may advise the witness as to these two notifications
5 which is exhibit 2840, I think he will be able, sir, to
6 complete his answer to your request yesterday.

7 THE PRESIDENT: Let him do so.

8 Q One was the notification in the name of the
9 Vice-Minister of War concerning the improvement of ad-
10 ministration of prisoners of war, addressed to each
11 commanding general of the Army who was in charge of ad-
12 ministration of prisoners of war.

13 The second was a notification in the names of
14 the Vice-Minister of War and the Vice-Chief of the
15 General Staff concerning sea transportation of prisoners
16 of war.

17 Now, with this information, do you wish to add
18 anything to your answer of yesterday to the Tribunal?

19 A The two notifications just referred to by you
20 were definitely issued at that time. The front line
21 Commander in Chief has the responsibility of controlling
22 prisoners of war at the front. This is an Imperial
23 Ordinance -- this is according to the prisoner of war
24 camps regulations, which is an Imperial Ordinance,
25 Article 3. Furthermore, I wish to add that the Commander

1 in Chief in charge of operations at the front has the
2 responsibility of commanding operations and also con-
3 trolling the affairs of prisoners of war.

4 On the basis of handling of prisoner of war
5 business, I shall now relate the connection of the
6 Minister of War. It is necessary for the War Minister
7 to issue such instructions as these in the light of his
8 status as a participant in the Imperial General Head-
9 quarters, and the War Vice-Minister took the step in
10 accordance with the wishes and the will of the Minister
11 of War. Because the matter was related to operations,
12 the notification -- one of the notifications just
13 referred to were issued both in the name of the Vice-
14 Minister of War and the Vice-Chief of the General Staff
15 of the Army. That is one example.

16 I should like to make it even more clear that
17 this action was taken by the Imperial General Head-
18 quarters, that is to say, the Army General Staff, as its
19 function and not that of the Government. That is all.

20 MR. BLEWETT: That is all of the questions on
21 redirect, sir. Does the prosecution have any questions?

22 May the witness be excused from the box?

23 THE PRESIDENT: He will resume his seat in the
24 dock.
25

(Whereupon, the accused resumed his

1 seat in the dock.)

2 - - -

3 MR. BLIWETT: That is the end of the individual
4 case of TOJO.

5 THE PRESIDENT: Major Blakeney.

6 MR. BLAKENEY: I now present the defense of
7 General UMEZU, Yoshijiro. Neither the evidence intro-
8 duced by the prosecution relating to this defendant nor
9 the evidence which the defendant is in consequence called
10 upon to adduce in his own behalf justifies any elaborate
11 opening of the case. I shall therefore proceed directly
12 with the evidence.

13 I now offer, first, defense document No. 2954,
14 the affidavit of AYABE, Kentaro, whose production for
15 cross-examination I understand is not to be desired.

16 THE PRESIDENT: Colonel Ivanov.

17 COLONEL IVANOV: Your Honor, the prosecution
18 objects to paragraph 3 of the affidavit of AYABE, Kentaro.
19 Inasmuch as at the beginning of this paragraph the wit-
20 ness submits his own personal conclusion based on hear-
21 say. As to the allusion to UMEZU's speech in 1937 at
22 the 17th Session of the Diet at the end of this paragraph,
23 we submit that it is secondary evidence. The Tribunal
24 has always preferred, for quite fair reasons, to get the
25 best evidence which, in this case, would be to present

an excerpt from the respective minutes of the Diet session.

Furthermore, the prosecution objects to the last sentence in paragraph 2 of the affidavit as containing the witness' conclusion which is, moreover, based on hearsay.

MR. BLAKENEY: The first objection I don't quite comprehend except that it seems to be directed against the use of the word, "rumors," in paragraph 3. The witness, of course, mentions the fact of having heard rumors as showing the matter which induced him to act, to go to this defendant and ascertain his opinions. The rumor is, of course, not mentioned here as truth of the matter contained in it, although the matter contained in it accords with the evidence heretofore adduced by the prosecution.

As to the second ground of objection, that is, to the quotation of General UMEZU's answer to interpellation in the Diet, I think counsel is under a misapprehension. It is, I think, quite clear that an interpellation in a legislative body is not a document. It is not even a speech, but is a purely extemporaneous series of questions and answers. Whatever may be the rule about proof of documents, you prove what a man said by letting someone, who heard him, testify to that fact.

1 As to the third ground of objection, insofar as
2 it proceeds on the basis of hearsay, it can of course be
3 disregarded in this Tribunal. Insofar as it points to
4 a conclusion of the witness, I think it is well taken
5 as to the last clause only of the last sentence of para-
6 graph 2 of the affidavit.

7 That is my submission, your Honor.
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1 THE PRESIDENT: Except to that extent, the
2 objection is overruled and the document admitted on
3 the usual terms by a majority.

4 CLERK OF THE COURT: Defense document 2954
5 will receive exhibit No. 3689..

6 (Whereupon, the document above re-
7 ferred to was marked defense exhibit No. 3689
8 and received in evidence.)

9 MR. BLAKENEY: I read the exhibit as admitted,
10 omitting the formal parts.

11 "1. I reside at Chiba-ken Kashiwa-machi
12 Toyoshiki 822. I was formerly a member of the Diet,
13 belonging to the Seiyukai party over an extended
14 period, and was Parliamentary Vice-Minister of the
15 Navy in the SUZUKI Cabinet.

16 "2. I am well acquainted with General UMEZU
17 Yoshijiro, having had occasion to meet and confer
18 with him quite often. From this association I knew
19 him to be much opposed to Army officers' participating
20 in politics, and that he deplored the increasing
21 tendency to their activities in that direction, as
22 instanced by the '5-15 Incident' (15 May 1932) and
23 the '2-26 Incident' (26 February 1936). During his
24 term as Vice-Minister of War we had a talk on this
25 subject which stands out in my mind. The General said

1 that he was doing his best to reform the Army in
2 regard to its political activities, which, he said,
3 owed much to the instigation of the rightist groups
4 and parties. Army officers, being simple and straight-
5 forward, readily listened to the arguments of these
6 people, which were of the line of resenting the
7 present state of the world. Therefore, he said, he
8 was taking steps to prevent the rightists from
9 approaching Army officers; on my asking what these
10 steps were, he smilingly answered that the Army would
11 on no pretext give either encouragement or material
12 support to the rightist parties or to the members
13 of them." I omit the next word also. "Later, I
14 heard being spread among the rightists infamous rumors
15 discreditable to Vice-Minister UMEZU.

16 "3. Then, hearing rumors that a large part
17 of the military circles disapproved of political
18 parties and were advocating their suppression, I
19 confirmed from Vice-Minister UMEZU what the higher
20 levels of the Army were thinking about the matter.
21 The General's opinion on this matter was very fair:
22 that to abide by the Constitution was the foremost
23 duty of the nation, and the Diet could therefore not
24 be disregarded. So long as there was a parliament,
25 there would be political parties, and sound political

1 parties were necessary to sound statesmanship. On
2 this point, I remember that at the 70th Diet, in
3 1937, the question was raised in interpellation by
4 Representative HAMANO, whether the Army disapproved
5 of political parties. In answering, General UMEZU
6 denied that he had ever had such a thought, giving
7 great satisfaction to the political parties."

8 I offer in evidence the interrogatories
9 propounded to Major General YAMAMOTO Moichiro, together
10 with his answers thereto, taken in Batavia on the 4th
11 of February 1947, defense document 1834.

12 THE PRESIDENT: Colonel Ivanov.

13 COLONEL IVANOV: May it please the Tribunal,
14 I will have to make a rather lengthy objection and
15 therefore I would like to get simultaneous translation.

16 The prosecution objects to paragraph 3,4,6,11,
17 12,13 and 14 of the affidavit of the witness YAMAMOTO
18 Moichiro, and submits that these paragraphs should be
19 deleted from the affidavit on the following grounds:

20 1. Paragraph 3 and 4 contain the information
21 stated by the witness in paragraph 2.

22 2. Paragraph 6 contains the reply which
23 represents the witness' opinion without furnishing
24 any facts which could be of any importance to the
25 Tribunal.

1 3. Paragraph 11 also contains the witness'
2 own conclusions. As may be seen from the witness'
3 reply UMLZU was at that time Commanding General of
4 the 2nd Division and the witness was employed at the
5 War Ministry and had no direct relations with him.

6 4. Paragraph 12 contains information which
7 is quite irrelevant to this inquiry.

8 5. Paragraph 13 contains merely a conclusion
9 of the witness with a reservation that generally
10 speaking he does not remember specifically what
11 UMEZU's views amounted to.

12 6. In paragraph 14 the witness submits a
13 character of his former superior referring to his
14 personal characteristics. Furthermore, the witness
15 goes so far as to present his own assumption as to
16 what UMEZU might have thought with regard to a
17 compromise with the Chiang Kai-shek Government.

18 May it please the Tribunal, I object to
19 some portions of paragraphs 7 and 9 of the affidavit.
20 In paragraph 7 only the last portion should be left,
21 beginning with the words "In the Spring of 1937" and
22 down to the end of this paragraph.

23 As to the remaining part of the witness'
24 reply, it represents his conclusions by way of summing
25 up and in addition to that is based on Diet records,

1 a reference to which is made in this paragraph and
2 it should be therefore deleted.

3 Paragraph 9 contains an obviously leading
4 question propounded to the witness. However, some
5 other questions contained in the affidavit are of a
6 similarly leading nature. In paragraph 9 the witness'
7 reply contains his personal conclusion; for example,
8 the witness says that he knows that the policy adopted
9 with regard to special expenses compensated without
10 participation of the secretary was similar. It would
11 be very hard to sort out or to single out all these
12 conclusions and I submit that the Tribunal will dis-
13 regard the conclusions of the witness in this case.
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1 MR. BLAKENEY: I will do the best I can with
2 this inundation. I am not sure I caught it all as it
3 went by, but I will try to answer.

4 THE PRESIDENT: Did you say inundation?

5 MR. BLAKENEY: That is right.

6 THE PRESIDENT: We resent counsel reflecting
7 in that manner on the observations of other counsel.

8 MR. BLAKENEY: I intended no offense, of
9 course. I intended only to suggest that I was submerged
10 under this flood of objections, which I can't keep up
11 with under the speed with which they were read over the
12 IBM.

13 Questions 3 and 4, or the answers thereto, are
14 said to be repetitive. It will perhaps suffice for me
15 to point out that this is not an affidavit drawn by me.
16 These are interrogatories propounded by me, the answers
17 taken not under my supervision, and of course I have no
18 opportunity of revising it, and of course have no right
19 to do so.

20 THE PRESIDENT: You have a right to tender
21 only parts of it if you think other parts are inad-
22 missible.

23 MR. BLAKENEY: I assume that on the basis of
24 past procedure here I also have a right to do what I
25 had intended, that is, to tender it in its entirety

1 and omit in reading those parts which are repetitive.

2 Now, the answer to question 6 is objected to,
3 if I caught it correctly, on the grounds that it is
4 the witness's opinion and of no interest to the Tribunal.
5 Contrary to that allegation, I think this answer is
6 perfectly clear that the witness is stating what he knows
7 to be the opinion of the defendant UMEZU, and I think
8 it hardly necessary to argue why that point is of
9 interest to the Tribunal, because a mere reading of the
10 affidavit will suffice to show in what way it is
11 material and relevant. I think I made a slip of the
12 tongue; I meant to say a mere reading of the Indictment.

13 Paragraph 11 I understand to be objected to
14 on the grounds that it contains the witness's conclu-
15 sions. The prosecutor points out that at the time the
16 incident occurred General UMEZU was elsewhere than in
17 Tokyo. However, inasmuch as the witness, as he has
18 already said above, came to be in close association with
19 the defendant UMEZU very soon thereafter, there is
20 nothing in this affidavit to suggest excluding the
21 possibility of his having heard General UMEZU's opinion
22 on that matter directly. In fact, the whole tone of
23 the remainder of the affidavit shows it to be the fact
24 that it was in those circumstances that he learned the
25 opinions of this defendant.

1 THE PRESIDENT: Did I understand Colonel
2 Ivanov to state he would not object to the Court re-
3 ceiving the whole document provided it intimated it
4 would reject the opinions that were irrelevant or
5 matters for the Court?

6 COLONEL IVANOV: Your Honor, the prosecution
7 insists on the deletion of the seven paragraphs which
8 I have listed of this affidavit. We shall agree that
9 the remaining parts of the affidavit, which are full
10 of various conclusions, be admitted without any changes,
11 with the understanding the Court will disregard them."

12 MR. BLAKENEY: Shall I continue, your Honor?

13 THE PRESIDENT: Yes. My inquiry has been
14 answered by Major Ivanov.

15 MR. BLAKENEY: The comment which I should make
16 on counsel's last statement is that the record will
17 show that in similar circumstances on very many occa-
18 sions the defense objected to Russian documents on
19 these very grounds, to have them in the end treated
20 just as the President has now suggested.

21 As to the answer to question 12, which was said
22 to be irrelevant, if I remember correctly, I suggest
23 that it is relevant as showing action taken by the
24 defendant UMEZU.
25

THE PRESIDENT: We have decided to admit the

whole document with the understanding that we will

reject opinions which are irrelevant or are matters
1 for us to determine. We take into account the circum-
2 stances under which the interrogatories were taken,
3 or administered.

4 CLERK OF THE COURT: Defense document 1834
5 will receive exhibit No. 3690.

6 (Whereupon, the document above
7 referred to was marked defense exhibit
8 No. 3690 and received in evidence.)

9 MR. BLAKENEY: I read exhibit No. 3690:

10 "Q1 You are Major-General YAMAMOTO Moichiro of the
11 16th Army, now held as a prisoner of war by the Nether-
12 lands forces in Java?

13 "A Yes.

14 "Q2 State what acquaintance and association you
15 have had with General UMEZU Yoshijiro.

16 "A I first came to know General UMEZU when he was
17 appointed to the Vice-Minister of the Army in March 1936.
18 Prior to his above appointment, I had been already serv-
19 ing as a secretary to the War Minister. At that time
20 there were two secretaries to the War Minister, and one
21 worked exclusively to the War Minister as his secretary,
22 and the other carried out a secretarial job for the Vice-
23 Minister. In my capacity of secretary to the War Min-
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1 ister, I carried out a secretarian job for the Vice-
2 Minister, UMEZU, from March 1936 till March 1937. The
3 War Minister was General TERAUCHI. In same capacity I
4 served exclusively to the War Minister, General SUGIYAMA,
5 as his secretary from March 1937 till May 1938. During
6 this latter period, General UMEZU was the Vice-Minister
7 of War and therefore I was in constant contact with
8 General UMEZU either in direct or indirect way."

9 I omit questions and answers 3 and 4.

10 "Q5 That was the extent of your contact with
11 General UMEZU during that period?

12 "A My contact with him was limited to within my
13 official functioning to him. As far as the private
14 relation was concerned, there was nothing more than
15 usually expected between the Vice-Minister and his
16 assistant.

17 "Q6 Can you state the attitude of Vice-Minister
18 UMEZU toward intervention by the Army or Army personnel
19 in politics?
20

21 "A There was a group among the Army that favored
22 the intervention into the politics (such as in favour
23 of abolishing the political party); however, General
24 UMEZU had taken quite a right opposing attitude against
25 same. He was of strong opinion that such idea was wrong
 not only for the country, but also harmful to the Army

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itself and he endeavoured himself to make his idea
thoroughly known and understood among the Army.

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1 "Q7 Give the substance of anything which you may
2 remember having heard General UMEZU say on this subject.

3 "A He was of opinion that the Army and soldiers
4 should keep themselves aloof above the politics, and
5 that they should concentrate their whole energy on
6 performing their original duties. In his view, this
7 is to make the progress of country sound and healthy
8 and also to make the operation of the politics bright
9 and just.

10 "Participation of the Army and soldiers in
11 the politics, in his view, would damage the silent
12 dignity of the Army, and consequently it would result
13 in the fact that the Army would be drawn into the
14 politics. If the necessity that the Army should
15 participate in the politics should arise, it would be
16 considered as the misfortune of the country and more-
17 over, he was of opinion that the time had not yet at
18 hand even to consider the necessity of administering
19 the Army power into the political affairs. These
20 thoughts are clearly comprehended from the instruc-
21 tions of the War Minister (TERAUCHI) and other various
22 orders which were issued in the year of 1936, par-
23 ticularly in the first half of the same year. It was
24 also clearly instructed by him that the Army officials
25 who were allowed to participate in politics should be

1 limited to the War Minister, the Vice-Minister, and
2 some officials of the Military Affairs Bureau
3 (Gunmukyoku) who had official responsibility of
4 participating in politics. This will be proved
5 clearly if reference is made to the replies of the
6 War Minister and other officials which had been
7 delivered to the Parliament in these days. On the
8 occasion when the general election (HAYASHI Cabinet)
9 had been held in the spring of 1937, the Vice-Minister,
10 UMEZU, had requested that the Army should take the
11 neutral attitude strictly. I and other officials in
12 the Army who had been in the posts in which the partic-
13 ipation in politics had been permitted, were repeatedly
14 admonished by the Vice-Minister in this particular
15 regard. For instance, it was warned by him that
16 collecting political information in the Parliament
17 should not be carried out any more than necessary for
18 the sake of assisting the War Minister. I remember
19 that when the HAYASHI Cabinet was being formed a
20 severe admonition had been given by him regarding the
21 limit and extent to which collection of information
22 was to be carried out.

24 "Q8 The Vice-Minister of War was responsible for
25 the safekeeping and disbursement of the special fund
of the Ministry, was he not?

1 "A Yes. However, the duty of keeping the cash
2 had been the responsibility of the senior adjutant of
3 the War Ministry.

4 "Q9 Tell all that you know concerning General
5 UMEZU's management of this special fund, particularly
6 in connection with contributions to politicians and
7 others outside the Ministry. Include what you know on
8 the following points: The uses to which this fund
9 had been put by previous Vice-Ministers; the extent
10 to which and ways in which General UMEZU decreased
11 disbursement of this fund; what his purpose was in so
12 doing, as expressed to you; the result of his attitude
13 and measures, including the reaction of his superiors
14 and other senior officers of the high command, politi-
15 cians and others.

16 "A The payment of the secret fund which had
17 been participated in by a secretary was limited mostly
18 to the entertaining expense and other lots of small
19 amount, between ¥500 and ¥100 per one lot which had
20 been paid to the people outside the Army, and the
21 total amount of such was not so much. However I
22 believe that the policy adopted by him regarding the
23 special fund which had been paid without secretary's
24 taking part in, must have been the same.

25 "The policy adopted by General UMEZU was to

1 curtail these expenses, and also to avoid payment
2 which was likely to lead to the Army's participation
3 in the politics, or the other expenses paid to the
4 people outside the Army. (Much had been paid then
5 to the right wing.) He carried out this policy strictly.
6 The entertainment parties had been reduced in number,
7 the guest had been restricted, and the place where the
8 parties were held had been considerably restricted.
9 In case of people outside the Army (including groups
10 outside the Army) requesting the payment of the
11 special fund, full explanation had been given to
12 him by secretary as to the character of the person
13 concerned, the purpose of its expense, and other
14 details. If the Vice-Minister was not fully convinced,
15 the payment was not permitted, and his policy was
16 particularly strict towards the political relations
17 and the right wings. I remember in this connection
18 that much efforts on the part of secretary had been
19 exerted.

20 "The Vice-Ministers prior to UMEZU (KOISO
21 and others) had been loose comparatively in this re-
22 spect, and they agreed with discretion of secretary
23 on most occasions, and except in case of a large
24 amount involved, much detailed explanation were not
25 demanded. And the payment to the political relations

1 and the right wings had been comparatively much.
2 There were two kinds of payment of the secret fund
3 which had been participated in by secretary. One
4 was of customary nature and the other of temporary
5 one. The curtailment of these expenses had been
6 practiced in the following way. As regards the
7 customary one, a fundamental investigation had been
8 made as to person or group that received same, and
9 discernment had been clearly marked between one to be
10 discontinued and others to be curtailed. (I remember
11 there were some of the scientific nature which were
12 left uncurtailed.) Among the lot which was to be
13 discontinued, there were some which were considered
14 difficult to do so immediately (in relation to the
15 nature of enterprise), and such expenses had been
16 discontinued gradually over the period of two or
17 three months. The other lot which was to be curtailed
18 had been gradually cut down, and in the end, he had
19 reduced the same to one-half or one-third. In this
20 way, it is thought, the payment of the secret fund
21 had been reduced at least to one-third in total amount,
22 as compared with the former times.

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24 "What he aimed at in carrying out the above
25 policy was that there were not only some payments
which were considered unnecessary from the original

standpoint of the Army, but also he was concerned
1 with the possibility that the payment to those out-
2 side the Army, even though some were justified and
3 useful, would lead the outsiders to misunderstand
4 the action and standpoint of the Army, and particularly
5 that the payment to the political relations would
6 result in the Army being drawn into the politics un-
7 wittingly, this last point being the reason why he
8 considered the curtailment necessary as a part of
9 regulation of the Army discipline.
10

11 "His above-mentioned attitude, of course,
12 had been supported by the War Minister. Among other
13 Army superiors, politicians, and people outside the
14 Army, many had supported his policy, maintaining that
15 same was proper steps for the sake of eliminating
16 unnecessary misunderstanding towards the Army.
17 Particularly the conscientious politicians had favored
18 him with their confidence. However it was a fact that
19 there were some among the Army and people outside it
20 who opposed to him, by reasons either that it was too
21 strict or undue nervousness on his part, or that it
22 was unadvisable for the Army to withdraw itself from
23 the politics.
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25 "Q10 Did General UMEZU state his view to be that
the Army must be rid of such people as had been

standpoint of the Army, but also he was concerned
1 with the possibility that the payment to those out-
2 side the Army, even though some were justified and
3 useful, would lead the outsiders to misunderstand
4 the action and standpoint of the Army, and particularly
5 that the payment to the political relations would
6 result in the Army being drawn into the politics un-
7 wittingly, this last point being the reason why he
8 considered the curtailment necessary as a part of
9 regulation of the Army discipline.
10

11 "His above-mentioned attitude, of course,
12 had been supported by the War Minister. Among other
13 Army superiors, politicians, and people outside the
14 Army, many had supported his policy, maintaining that
15 same was proper steps for the sake of eliminating
16 unnecessary misunderstanding towards the Army.
17 Particularly the conscientious politicians had favored
18 him with their confidence. However it was a fact that
19 there were some among the Army and people outside it
20 who opposed to him, by reasons either that it was too
21 strict or undue nervousness on his part, or that it
22 was unadvisable for the Army to withdraw itself from
23 the politics.
24

25 "Q10 Did General UMEZU state his view to be that
the Army must be rid of such people as had been

receiving contributions from the special fund, to
1 avoid entanglement in politics?

2 "A Yes. As above mentioned, he thought it
3 necessary for the sake of not only ensuring the Army
4 not being drawn into the politics but also for
5 avoiding to cause misunderstanding as if the Army
6 were participating in the politics.

7 "Q11 What can you say of General UMEZU's views
8 on the 26 February 1936 incident?

9 "A He regretted the incident and had taken a
10 right opposing attitude against this action. It was
11 a well-known fact that he considered the regulation
12 of the Army discipline one of his important duties
13 for the sake of reestablishment of the Army, thereby
14 not only eliminating the direct cause of this inci-
15 dent, but also clearing up the basic factors for the
16 possible future reoccurrence of action of same nature.

17 "He was the commanding officer of No. 2
18 Division when the incident occurred and his usual
19 idea can be seen from a telegram which he had sent
20 then to the War Minister, submitting his opinion to
21 the effects that he opposed the direct action of such
22 nature and that the case should be immediately re-
23 pressed and its propagation should be prevented by
24 all means. And his countermeasures against the
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1 incident had been embodied fully in his regulation of
2 the Army discipline and other various steps which had
3 been adopted afterward in order to settle the incident.

4 "Q12 Did those views take practical expression
5 in connection with the use of the special fund, or
6 other available funds for payment of pensions to
7 widows of Army personnel executed for participation
8 in the 26 February 1936 incident?

9 "A As a principle, this affair was a problem
10 to be investigated by the Military Affairs Bureau
11 (Gunmukyoku), and therefore as a secretary I had
12 nothing to do with the same. Also I have no clear
13 memory about same. There was a plan of a group of
14 the right wings to raise the fund for the sake of
15 supporting the widows, and I remember in this con-
16 nection that upon hearing same, he opposed, intervened,
17 and stopped the plan to materialize."

18
19 THE PRESIDENT: We will adjourn until half-
20 past one.

21 (Whereupon, at 1200, a recess was
22 taken.)
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AFTERNOON SESSION

The Tribunal met, pursuant to recess, at 1330.

MARSHAL OF THE COURT: The International Military Tribunal for the Far East is now resumed.

THE PRESIDENT: Major Blakeney.

Mr. BLAKENEY: If your Honor please, I resume the reading of exhibit No. 3690 on page 4 with question 13.

"Question 13. Did you hear General UMEZU express an opinion concerning the so-called Kodoha or Toseiha?

"Answer. Although I do not remember his idea in any concrete form, he was of opinion that their deeds and words were devoid of general viewpoint, short of calm logics, and dogmatic, and therefore harmful for the unity within the country and disadvantageous for the sake of the country. I could see on various occasions that he was in disagreement with them, and opposed to the Army personnels having any special relation with them.

"Question 14. Can you give any other information material to the defense of General UMEZU on charges of having planned and conspired to bring about aggressive wars?

1 "Answer. He had comprehension full of good
2 will towards China. Regarding the China Incident, he
3 had same tendency of thought with Prince KONOYE and it
4 seemed to me that he was considering even compromise
5 with Chiang Kai-shek Government for the sake of its
6 early settlement. In this respect, I judged then that
7 he was a person who understood Prince KONOYE. Though
8 it was a matter of minor importance, he feared that
9 the word 'eight corners of the world under one roof'
10 (HAKKOIU) would give such wrong impression as to mean
11 the aggression by Japan in a form of the world domina-
12 tion, and therefore he prohibited the use of that word
13 in the instructions and others" -- I think he means
14 orders -- "in those days. This episode might serve
15 as one help in observing the tendency of his inner
16 thoughts.

17 "His personality was of extremely deep insight
18 and strong will, taking no decision lightly, observing
19 things most cautiously from various angles, and judging
20 from general standpoint. Once decided, he carried it
21 out with strong conviction. The measures taken based
22 on his decision were not simple, and had various steps
23 in reserve, considered fully, to cope with all varying
24 conditions.
25

"In practicing his measures, he operated same

1 timely, accurately and minutely. It was difficult,
2 therefore, for other people to easily find out his own
3 idea. However, whatever he had put into practice
4 was fair and just, and it was sound and thorough with
5 commanding logical basis.

6 "In case of offering my opinion to him, he
7 used to tell me that he would never stick to his own
8 opinion provided he was convinced that my opinion was
9 better than his own.

10 "His personality of soundness can only be
11 understood by long and deep contact with him, and
12 therefore when he was the Vice Minister there were many
13 who often had difficulty in seeing his true intention,
14 inasmuch as he did not express his opinion lightly,
15 although he had his decision already made in his mind.
16 The deeper you come in contact with him, the better you
17 know the greatness of his personality. When he was the
18 Vice Minister the politicians who had contact with him
19 had deep reliance and high respect for his vision and
20 talent."

21 I call as a witness NISHIO, Toshizo, whose
22 testimony is contained in his affidavit, defense document
23 No. 2908.
24
25

NISHIO

DIRECT

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1 T O S H I Z O N I S H I O, called as a witness on
2 behalf of the defense, being first duly sworn,
3 testified through Japanese interpreters as follows:

4 DIRECT EXAMINATION

5 BY MR. BLAKENEY:

6 Q Please state your name, Mr. Witness.

7 A NISHIO, Toshizo.

8 MR. BLAKENEY: I ask that he be handed defense
9 document No. 2908.

10 (Whereupon, a document was handed to
11 the witness.)

12 Q I ask you, Mr. Witness, to examine that docu-
13 ment and state whether it is your affidavit, signed,
14 sealed and executed by you?

15 A This is my affidavit.

16 Q And are the contents thereof true and correct?

17 A Yes.

18 MR. BLAKENEY: I offer in evidence defense
19 document No. 2908.

20 THE PRESIDENT: Admitted on the usual terms.

21 CLERK OF THE COURT: Defense document 2908
22 will receive exhibit No. 3691.

23 (Whereupon, the document above re-
24 ferred to was marked defense exhibit No. 3691
25 and received in evidence.)

1 MR. BLAKENEY: I read the exhibit which,
2 omitting the formal parts, is as follows:

3 "1. In January 1937, when General UGAKI
4 received an Imperial order to form a cabinet, I was
5 the Vice Chief of the General Staff. I state herein
6 the circumstances within the army at that time.

7 "At that time the Chief of the General Staff
8 was Prince KAN-IN, the War Minister was General
9 TERAUCHI and the Inspector-General of Military Education
10 was General SUGIYAMA. General UMEZU was the Vice
11 Minister of War. Among the central authorities of
12 the army there were strong opinions in opposition to
13 General UGAKI's cabinet-formation. At that time,
14 after the 26 February Incident, the central authorities
15 of the army intended and endeavored for the enforcement
16 of internal control of the army. However, much misun-
17 derstanding was prevalent about General UGAKI in the
18 form of rumors regarding the so-called 'March Incident'.
19 Therefore, once the news of General UGAKI's cabinet-
20 formation was known, officers in minor positions,
21 below chiefs of sections and bureaus, opposed his forma-
22 tion of a cabinet, and circumstances looked quite
23 serious.

24 "I conferred with UMEZU, the Vice Minister of
25 War, about this problem, considering the necessity of

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1 controlling the whole army. Both I and General UMEZU
2 had good will for General UGAKI and were not opposed
3 personally to his forming a cabinet. Nevertheless, if
4 it were to be completed without consideration of the
5 circumstances within the army, it would be impossible
6 to avoid disorder or lack of control of the army.
7 Therefore, we concluded the problem should be handled
8 by the conference of three leading generals of the army,
9 and no subordinates or younger officers should have
10 any connection with the matter. We strictly prohibited
11 any undercurrents in the army.
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1 "After that the problem was handled by Generals
2 TERAUCHI and SUGIYAMA. Though, as no consultation was
3 had by them with their subordinates, I did not know
4 of the fact at first, I was told that the generals
5 visited UGAKI and explained the serious circumstances
6 of the Army, requesting him to reconsider the matter
7 of his cabinet-formation. I was also told that the
8 generals negotiated with some candidates for War Minister,
9 who however did not accept the post, giving as the
10 reason the difficulties of internal control of the Army.
11 Thus, I was told, in such circumstances General UGAKI
12 abandoned the attempt to organize a cabinet. In ad-
13 dition, this disturbance within the Army spread to the
14 ex-soldiers. And since the Ex-Soldiers' Association
15 was quite worried about the state of affairs an explan-
16 ation was made, I knew, under the name of the Vice-
17 Minister about the particulars of the problem.

18 "2. When I was Chief of Staff of the Kwantung
19 Army, Lieutenant General UMEZU was the Commander of the
20 China Garrison. When War Minister HAYASHI came to
21 Hsinking for an inspection of Manchuria, at the end
22 of May 1935, the Kwantung Army reported to him the
23 circumstances at that time. Commander UMEZU also was
24 called to Hsinking by the Minister to report, and saw
25 him. At that time I also met Commander UMEZU; the

1 meeting, however, did not go beyond a mere greeting,
2 and no conference was had with the Kwantung Army with
3 respect to policies, etc. Commander UMEZU left Hsin-
4 king right after the meeting with the Minister, and
5 returned to his post."

6 You may cross-examine.

7 THE PRESIDENT: Colonel Ivanov.

8 - - -

9 CROSS-EXAMINATION

10 BY COLONEL IVANOV:

11 Q Witness, you mention in your affidavit that
12 you were formerly Chief of Staff of the Kwantung Army.
13 Didn't you hold this post from 5 March 1934 to 23 March
14 1936?

15 A Yes, as you say.

16 Q Wasn't General MINAMI, whose name you avoid
17 to mention in your affidavit, commanding general of
18 the Kwantung Army during practically the whole of this
19 period?

20 A The commanding general of the Kwantung Army
21 for the first year was General HISHIKARI. The command-
22 ing general from the second year and thereafter was
23 General MINAMI.

24 Q In your affidavit you likewise don't mention
25 the meeting of General UMEZU with General MINAMI in

1 May 1935 in Hsinking. Don't you know about this meet-
2 ing?

3 A I am not informed of any special interview.

4 Q I mean the visit of UMEZU in May 1935 in Hsin-
5 king where UMEZU arrived, called by War Minister HAYASHI
6 to whom he had to report about the position in North
7 China.

8 A I know of the visit paid by General UMEZU to
9 General HAYASHI to make a report in May 1936. Of that
10 I have stated in my affidavit.

11 THE MONITOR: War Minister HAYASHI instead of
12 General HAYASHI.

13 Q But did General UMEZU meet General MINAMI in
14 that time and did they discuss the situation in North
15 China?

16 A I do not know of any such a thing.

17 Q Do you mean to say that you want us to believe
18 that you are not aware even that such a meeting took
19 place?

20 A At that time I did not know that there was
21 such a fact -- that there was such a meeting as you
22 have referred to.

23 Q Do you know about it now, don't you?

24 A No, I do not know.

25 Q Didn't the routine business and etiquette

1 require the courtesy call on the part of General UMEZU
2 in this case?

3 A Well, it can easily be assumed that Commanding
4 General UMEZU met Commanding General MINAMI, but they
5 met probably to exchange greetings. That I do believe.
6 But I do not know of any situation or of any fact of
7 the two meeting to discuss especially the situation in
8 North China.

9 Q Will you tell us what the specific purpose
10 was of War Minister HAYASHI's inspection trip in
11 Manchuria in May 1935?

12 THE MONITOR: Before the witness said, "I
13 couldn't hear the question."

14 COLONEL IVANOV: I ask that the Japanese court
15 reporter repeat the question.

16 (Whereupon, the Japanese court reporter
17 read.)

18 A Well, I did not hear at that time what
19 specifically was the purpose of his visit, but accord-
20 ing to the information we received he came to Manchukuo
21 to inspect the condition of the Kwantung Army as well
22 as Manchukuo, and reports were accordingly made to him
23 of those situations and conditions.
24
25

1 Q Did HAYASHI visit army units stationed in
2 northern, eastern or southern Manchuria?

3 A He did not.

4 Q Will you tell us whether any issues could be
5 concealed from you in your capacity of the Chief of
6 Staff of the Kwantung Army, concealed by Commanding
7 General UMEZU and MINAMI?
8

9 RUSSIAN MONITOR: Issues concerning the talks
10 between General UMEZU and General MINAMI.

11 A Was the present question to the effect that
12 General MINAMI had something to hide from me -- that
13 General MINAMI had some reason to hide, conceal, cer-
14 tain information from me? Is that what you mean by
15 your question?

16 Q Yes, in particular I mean exactly this.

17 A There was no case of Commanding General MINAMI
18 concealing anything special from me.

19 Q In this case will you tell us whether General
20 MINAMI discussed with the War Minister the situation
21 in North China and the measures that the Japanese
22 military were going to take there?

23 A I believe that there was nothing of the kind.

24 Q Did the War Minister inspect the construction
25 of military objectives and against what state was it
carried on by the Kwantung Army under General MINAMI?

1 MR. BLAKENEY: If the Tribunal please, I don't
2 think this has any connection with the affidavit and
3 I therefore object to it.

4 COLONEL IVANOV: Your Honor, I believe it is
5 necessary to clarify the purpose of War Minister
6 HAYASHI's inspection trip to Manchuria, and also should
7 be clarified the meeting of War Minister HAYASHI with
8 two commanding generals of continental armies -- Japanese
9 armies on the continent, the problem which still remains
10 a mystery. Otherwise that inspection trip of the War
11 Minister seems to be quite unwarranted.

12 THE PRESIDENT: Unless you connect the accused
13 UMEZU with it it will be immaterial and irrelevant too.

14 COLONEL IVANOV: I will pass over to the next
15 question, your Honor.

16 Q You mention in your affidavit that the Kwantung
17 Army submitted a report of the situation to the War
18 Minister. Did this report emanate from Commanding
19 General MINAMI or from you as his chief of staff?

20 A It was a report submitted by the commanding
21 general of the Kwantung Army.

22 Q Were military preparations of the Kwantung
23 Army characterizing its combat preparedness against
24 the Soviet Union in China outlines in this report?

25 A No.

1 Q And what was the contents of that report then
2 if you say that the central issue with regard to the
3 activity of the Kwantung Army wasn't mentioned in it?

4 MR. BLAKENEY: If the Tribunal please, I
5 object to this line of questioning also as being
6 without the scope of the direct testimony and, there-
7 fore, improper cross-examination.

8 COLONEL IVANOV: I must make it clear to the
9 Tribunal, your Honor, that the meeting of two command-
10 ing generals with the War Minister HAYASHI certainly
11 was concerned with some general matters connected with
12 the coordination of actions of both armies, and I
13 believe that we are fully entitled to deal with the
14 issues which throw light upon the coordination of
15 actions of these two armies.

16 THE PRESIDENT: In paragraph 2 it is stated
17 by the witness that "no conference was had with the
18 Kwantung Army with respect to policies, etc." Is your
19 cross-examination directed to that? If it is we cannot
20 stop it.

21 COLONEL IVANOV: Yes, exactly as you say,
22 your Honor.

23 MR. BLAKENEY: In that connection, if the
24 Tribunal please, I should point out that the last ques-
25 tion concerned the contents of the report made by the

1 Kwantung Army to the War Minister. The passage your
2 Honor has pointed out relates to the defendant UMEZU
3 who was neither with the Kwantung Army nor the War
4 Ministry.

5 COLONEL IVANOV: I will reshape the question,
6 your Honor.

7 Q Were in the report submitted to the War
8 Minister outlined the data with regard to the situation
9 in North China which were in the possession of the
10 Kwantung Army?

11 A No.

12 Q Had the Kwantung Army any sources from which
13 it could derive any information with regard to the
14 situation in North China?

15 A We merely received notification from the China
16 Garrison.

17 Q In other words, from General UMEZU?

18 A Information was received and exchanged with
19 the organ concerned of the headquarters of the China
20 Garrison.

21 Q Why do you avoid to mention the name of General
22 UMEZU? It is generally known that General UMEZU was
23 commanding general of Japanese troops in Hsinking.

24 A I am not trying to avoid mentioning the name
25 of UMEZU because it wasn't known as the UMEZU Army

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Headquarters but the China Garrison Headquarters. That
1 is why I use the official name.

2 Q However, General UMEZU was Commander of that
3 garrison in Tientsin, wasn't he?

4 A Yes.

5 Q Did you receive information as to the situa-
6 tion in North China only from General UMEZU's Head-
7 quarters or the Kwantung Army had its own sources of
8 information in that area of China?

9 A Information was received from the Headquarters
10 of the North China Garrison. There the Kwantung Army
11 did not have any special intelligence or information
12 organ within the jurisdiction of General UMEZU's command
13 in North China.

14 Q Did the South Manchurian Railway Company have
15 its branch offices in different parts of China, and did
16 it receive from them political, military, and economic
17 information?

18 MR. BLAKENEY: If the Tribunal please, I
19 don't like to interfere with counsel's cross-examina-
20 tion, but I submit this is wholly beyond the scope of
21 the affidavit.

22 COLONEL IVANOV: Your Honor, I believe that
23 this question is relevant because it is connected and
24 it is within the scope of the affidavit, because this
25

1 question deals with the situation in North China
2 where General UMEZU was Commanding General, and then
3 I must say that this question purports to test the
4 credibility of this witness.

5 THE PRESIDENT: The objection is allowed.

6 Q Wasn't a special service organ established
7 in February, 1935, and didn't the Kwantung Army and
8 Commanding General UMEZU participate in its estab-
9 lishment -- established in North China?

10 MR. BLAKENEY: I have to make the same
11 objection, if the Tribunal please. It is beyond
12 the scope of the affidavit.

13 COLONEL IVANOV: But, your Honor, this is
14 the only source of information which the witness
15 possessed, who at that time, in 1935, held the post
16 of the Kwantung Army Chief of Staff.

17 THE PRESIDENT: The objection is sustained.

18 Q Will you tell us, Mr. Witness, did General
19 UMEZU and MINAMI carry on subversive activities in
20 North China under their special service organs?

21 MR. BLAKENEY: The same objection is made
22 to this, if the Tribunal please.

23 THE PRESIDENT: Objection sustained.

24 COLONEL IVANOV: May the witness be shown
25 prosecution document No. 1054(39).

(Whereupon, a document was handed

1 to the witness.)

2 Q Mr. Witness, examine this document and tell
3 us whether it bears an inscription showing that it
4 emanated from the Kwantung Army Headquarters.

5 In order to answer my question, it is suffi-
6 cient for you to examine the first page of the docu-
7 ment.

8 A This was not a document which was sent out
9 by the Kwantung Army.

10 Q Please look at the first page of the document
11 and answer my question whether on the first page of
12 the document there is an indication in the title of
13 the document that the document emanated from Kwantung
14 Army Headquarters -- belongs to the Kwantung Army
15 Headquarters.

16
17 Wasn't this document received at the War
18 Ministry and doesn't it bear the seals of the Secretar-
19 iat of the War Ministry and some of its sections?

20 A There is a seal which seems to indicate
21 that this document was seen by the Military Affairs
22 Bureau of the War Office. I cannot vouch for the
23 other seals because I do not know anything about them.

24 COLONEL IVANOV: Your Honor, I offer in
25 evidence prosecution document No. 1054(39), entitled,

1 "Outline of Guidance of Intelligence Service of
2 Chiang Kai-shek's Regime." This document character-
3 izes the subversive activity of the Japanese Army in
4 China, which was directed in 1935 by General UMEZU,
5 and subversive activity of the Kwantung Army headed
6 by MINAMI against China.

7 THE PRESIDENT: Major Blakeney.

8 MR. BLAKENEY: If I understand correctly,
9 the date of this document is 1931, and although
10 of course I haven't had an opportunity to peruse
11 it, I judge from looking at it that it has no connec-
12 tion whatsoever with the testimony of this witness.
13 The right to have the witness identify documents
14 which are going to be offered in evidence must, I
15 assume, be restricted to documents relative to the
16 testimony of the witness now on the stand, and I
17 therefore object to this as not being so relevant.

18 MR. BROOKS: If the Tribunal please, I would
19 like to enter the same objection on behalf of General
20 MINAMI. I haven't had a chance to review the docu-
21 ment, but I would like to have the document, however,
22 marked for identification, since it has been shown
23 to this witness, and it might be offered at a later
24 period if the witness has any comment about it.

25 THE PRESIDENT: How can you connect this

document now tendered with the witness's affidavit:

1 COLONEL OVANOV: Your Honor, I invite the
2 attention of the Tribunal that in this document are
3 outlined the facts of the activity of the Japanese
4 Intelligence Service in China relating to 1935 and
5 to the earlier period. It can easily be proved if
6 we look at pages 5, 7, and 9 and other pages of this
7 document -- I mean the English text of the document.
8 From the contents of this document it may be seen
9 that the subversive activity in China was directed
10 by Commanding General UEMZU in North China, and also
11 the Commander of the Manchurian Army in 1935, when
12 General NISHIO was the Commanding General of the
13 Kwantung Army. This document classifies all sources
14 of information which General UEMZU had in China, and
15 through which he conducted his subversive activity,
16 and also the sources of information of the Kwantung
17 Army, the Chief of Staff of which was the present
18 witness.
19

20 In Section 2 of the affidavit the witness
21 tried to outline the situation in North China, but
22 if you want to be more exact we must say that the
23 witness tried to cover outlining the real situation
24 in North China.
25

THE PRESIDENT: The witness has deposed to

1 two matters, and they are in paragraphs 1 and 2 of
2 his affidavit. You must connect this with one or
3 the other of those paragraphs. It doesn't have any
4 connection with one; it doesn't appear to me to
5 have any connection with two at present. This
6 witness, being an ex-vice-chief of staff, may have
7 a fund of information, and this document may also
8 contain a fund of information, but we have to apply
9 the American rule which restricts cross-examination
10 to the affidavit itself or to matters arising out of
11 it. It is useless, Colonel, to tell us how important
12 this document is if you cannot connect it with
13 paragraph 2 of this affidavit.
14

15 COLONEL IVANOV: Your Honor, in May, 1935,
16 in Tientsin, the War Minister of Japan had a
17 conference with two generals, General ULEZU and
18 General MINAMI. There is no doubt whatsoever, your
19 Honor, that in the course of that conference issues
20 relating to the situation in North China were dis-
21 cussed. This document bears witness to the same
22 subject, and this document belonged to the War
23 Ministry and to the Kwantung Army Headquarters.
24

25 THE PRESIDENT: By a majority the objection
is sustained, and the document rejected.

1 COLONEL IVANOV: I ask that this document
2 be marked for identification. I believe that the
3 previous question laid sufficient foundation for the
4 presentation of this document in rebuttal in a few
5 days.

6 CLERK OF THE COURT: Prosecution document
7 1054(39) will receive exhibit No. 3692 for identifica-
8 tion only.

9 (Whereupon, the document above
10 referred to was marked prosecution exhibit
11 No. 3692 for identification.)

12 Q Will you tell us, Mr. Witness, whether
13 General UMEZU started the movement for autonomy in
14 North China simultaneously and together with General
15 MINAMI?

16 THE PRESIDENT: Major Blakeney.

17 MR. BLAKENEY: Objected to as being without
18 the scope of the affidavit.

19 THE PRESIDENT: Objection sustained.

20 Q Do you know the former general of the
21 Japanese Army, KAWAGISHI, Bunsaburo?

22 A Yes, I know him.

23 Q Was he commander of the Mixed Brigade of
24 the Kwantung Army?

25 A Yes, he was.

1 Q Was this Mixed Brigade sent out to the city
2 of Hupeikow in June 1935, the city which is near the
3 Great Chinese Wall?

4 A At the verge of Hupeikow a part of the
5 KAWAGISHI brigade was engaged in garrison duty from
6 peacetime.

7 THE INTERPRETER: Correction: A part of the
8 KAWAGISHI brigade from normal times carried on guard
9 duty and garrisoned the village of Hupeikow.

10 COLONEL IVANOV: I conclude the examination
11 of the present witness, your Honor.

12 MR. BLAKENEY: May the witness be excused
13 on the usual terms?

14 THE PRESIDENT: He is excused accordingly.

15 (Whereupon, the witness was excused.)

16 MR. BLAKENEY: Defense document 2958, an
17 excerpt from the SAIONJI-HARADA Memoirs, is offered
18 in evidence. The date of the chapter from which this
19 excerpt is taken, which was inadvertently omitted from
20 the excerpt, is 24 June 1935.

21 THE PRESIDENT: Admitted on the usual terms.

22 CLERK OF THE COURT: Chapter 174 of the
23 SAIONJI-HARADA Memoirs will receive exhibit No. 3693
24 for identification only. The excerpt therefrom, being
25 defense document 2958, will receive exhibit No. 3693-A

(Whereupon, the document above
referred to was marked defense exhibit
No. 3693 for identification; and the ex-
cerpt therefrom, being defense document
No. 2958, was marked defense exhibit No.
3693-A and received in evidence.)

MR. BLAKENEY: I read the exhibit:

"Moreover, I met the Premier and he said:
'The North China issue will be settled with all demands
acceded to. As in many cases, when I (Premier)
inquired into the matter, I found out that just before
General UMEZU entrained for Hsingking, Chief of Staff
SAKAI said to him (UMEZU): 'I would like very much
to issue an exceedingly light, friendly warning during
your absence. What do you think?' To this, Commander
UMEZU replied: 'If that is the case, it will be all
right.' From the foregoing, such a serious thing
resulted.'"

The Chief of Staff of the North China Garrison,
SAKAI, Takashi, mentioned in the preceding document,
was subpoenaed on 3 September 1946, immediately upon
publication of the fact that General SAKAI was to be
executed. The defense were unable to obtain his
testimony, as will appear from defense document 2897,
which is offered in evidence.

THE PRESIDENT: Admitted on the usual terms.

1 CLERK OF THE COURT: Defense document 2897
2 will receive exhibit No. 3694.

3 (Whereupon, the document above
4 referred to was marked defense exhibit
5 No. 3694 and received in evidence.)

6 MR. BLAKENEY: This is a letter from the
7 Chinese Mission in Japan, addressed to GHQ, SCAP,
8 dated the 19th of September, 1946, from which I shall
9 read paragraphs 1 and 2.
10

11 "1. Reference is made to General Headquarters
12 memorandum AG 000.5 (4 Sept. 46) LS-R of 4 September
13 1946 requesting that the execution of the sentence
14 imposed on the former Japanese General SAKAI be delayed
15 and that he be transported to Tokyo to give testimony
16 before the International Military Tribunal. The memo-
17 randum reached this mission in the afternoon of
18 September 5 and the request was accordingly wired to
19 Nanking for consideration.

20 "2. This mission has just been informed by
21 the Chinese Government that the execution of General
22 SAKAI took place on the morning of 13 September 1946,
23 as previously scheduled. It is regretted that the
24 intervening time was insufficient to obtain the desired
25 stay of execution through the necessary channels."

1 I offer in evidence defense document 1820,
2 being the sworn statement of E. J. Nathan.

3 THE PRESIDENT: Colonel Ivanov.

4 COLONEL IVANOV: Your Honor, the prosecution
5 objects to the introduction of this document as it
6 contains character evidence concerning UMEZU and then
7 it is obviously biased and has no probative value for
8 the Tribunal.

9 MR. BLAKENEY: I will answer the first part
10 of the objection by conceding that there is in this
11 document matter which might be treated as character
12 evidence; to wit, starting with the second sentence
13 from the end and from there to the end. The remainder,
14 I submit, is clearly admissible.

15 THE PRESIDENT: How is the first part relevant
16 at all?

17 MR. BLAKENEY: One of the charges made here,
18 at least inferentially, is that foreign industry was
19 oppressed and that the attempt was made by the Japanese
20 to drive it from areas under their control.

21 THE PRESIDENT: The Kailan Mining Administra-
22 tion could be wholly Japanese-owned, for all this
23 indicates, assuming that it is relevant.

24 MR. BLAKENEY: I think the document itself
25 shows that the Kailan Mining Company was not Japanese,

since the joint chief manager was an Englishman.

1 THE PRESIDENT: The objection to the whole
2 document is sustained and it is rejected.

3 MR. BLAKENEY: An additional statement of
4 Mr. Nathan, defense document No. 1071, is offered in
5 evidence.
6

7 THE PRESIDENT: Colonel Ivanov.

8 COLONEL IVANOV: Your Honor, the prosecution
9 objects to the introduction of this document on the
10 same grounds as to the previous document. This docu-
11 ment also has no probative value for the Tribunal,
12 and, moreover, it contains personal opinions and con-
13 clusions of the witness.

14 MR. BLAKENEY: To the extent that the docu-
15 ment contains opinions and conclusions, of course, I
16 do not attempt to defend it. To the extent that it
17 shows the defendant UMEZU as attempting to prevent
18 Japanese Army and army officers' participation in
19 these affairs in North China, I do think it is relevant
20 to the charges here.

21 THE PRESIDENT: It seems very trivial. The
22 objection is overruled and the document admitted for
23 what it is worth.

24 CLERK OF THE COURT: Defense document 1071
25 will receive exhibit No. 3695.

1 (Whereupon, the document above
2 referred to was marked defense exhibit
3 No. 3695 and received in evidence.)

4 THE PRESIDENT: We will recess for fifteen
5 minutes.

6 (Whereupon, at 1445, a recess was
7 taken until 1500, after which the proceedings
8 were resumed as follows:)

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1 MARSHAL OF THE COURT: The International
2 Military Tribunal for the Far East is now resumed.

3 THE PRESIDENT: Major Blakeney.

4 MR. BLAKENEY: I was about to read exhibit No.
5 3695.

6 "In March 1938 I was on a visit to Tokyo in
7 connection with the affairs of the Kailan Mining Admini-
8 stration, Tientsin, North China, of which I was at that
9 time Joint Chief Manager. On my arrival in Tokyo I
10 called on General UMEZU who was then Vice-Minister of
11 War and with whom I had had both social and official
12 relations some years previously, when he was G.O.C.
13 Imperial Japanese Forces, North China, stationed in
14 Tientsin. He subsequently entertained me at luncheon
15 and on that occasion I was able to renew the pleasant
16 relations that I had previously enjoyed with him.
17 Shortly afterwards I received a telegram from my col-
18 league in Tientsin informing me that a serious strike h
19 broken out at our mines and that there was a strong sus
20 picion that some Japanese officers were mixed up in it.
21 I at once asked to see General UMEZU who, I remember,
22 received me in his own house on a Sunday morning. I
23 explained the position to him and asked for his help in
24 getting Japanese influence withdrawn from the strike.
25 He promised me that, if after investigation he was

1 satisfied that the strike was not due to economic causes
2 but to political activities in which Japanese were con-
3 cerned, he would take steps to have the Japanese in-
4 fluence removed. On my return to Tientsin, the strike
5 being still on, I endeavored to persuade the Chief of
6 the Japanese Special Mission who was the officer in
7 charge of Affairs in our mines area that, in fact, the
8 strike had no economic foundation but was purely politi-
9 cal in nature, and I named to him the Japanese officers
10 whom I believed were concerned in it. Failing to get
11 satisfaction from this official, I repeated my request
12 to General UMEZU for help and asked him to implement his
13 promise to me. This he subsequently did and after the
14 strike had collapsed, one of the officers named by me
15 was removed from the area and was, I believe, given an
16 inferior position elsewhere."

17 I will omit the last paragraph.

18 In offering in evidence defense document No.
19 1090, a sworn statement by Major General F. S. G. Piggo
20 I think it is proper to restrict the tender to the first
21 two sentences only.

22 THE PRESIDENT: Admitted on the usual terms.

23 CLERK OF THE COURT: Defense document 1070 will
24 receive exhibit No. 3696.

25 (Whereupon, the document above

referred to was marked defense exhibit
No. 3696 and received in evidence.)

MR. BLAKENFY: This exhibit is a statement of
Major General Piggott, dated the 24th of December, 1946.

"I first met General UMEZU (Yoshijiro) in 1936
when he was Vice-Minister of War. I found him invari-
ably courteous and anxious to co-operate in solving any
problems that militated against good relations."

My next witness was to be SHIBAYAMA, Kenshiro,
but inasmuch as he is reported indisposed, I shall have
to postpone his testimony until some later time.

I now offer in evidence defense document No.
1069, the affidavit of the witness IINUMA, Mamoru, whose
attendance for cross-examination, I understand, is not
desired.

THE PRESIDENT: Colonel Ivanov.

COLONEL IVANOV: I invite the attention of the
Tribunal that in the affidavit of IINUMA, Mamoru, in
slightly disguised form, is given character evidence
concerning UMEZU. Therefore, the prosecution objects
to the introduction of the greater part of the affidavit
beginning with the words, "In making the selection of a
man for this place the following points were considered,
until the words, "These being the requirements, I
recommended Lieutenant-General UMEZU."

1 MR. BLAKENEY: There is no question of disguise
2 or of character evidence. Here we have the man whose
3 official position required him to make a selection and
4 whom circumstances compelled to make a certain type of
5 selection.

6 Not only, therefore, do I submit that it is
7 proper for him to testify upon what basis that selection
8 was made, but also the method of selecting the Commander
9 in Chief of the Kwantung Army and the intentions with
10 which that selection was made must, I submit, be very
11 relevant on the question of conspiracy as of that date.

12 I think clearly it would be open to the prose-
13 cution to introduce evidence showing that a Commander
14 in Chief of the Kwantung Army was selected because of
15 his ability to irritate the Soviet Union, and if that
16 be so, I submit it must be material to show that a
17 Commander in Chief was selected for precisely the
18 opposite reasons.

19 THE PRESIDENT: By a majority the objection is
20 sustained.

21 MR. BLAKENEY: May I just, for the record, add
22 the one further sentence which I wished to suggest as
23 another reason for the admissibility of the document?
24

25 THE PRESIDENT: It is too late now. You may
read the balance of the document.

1 CLERK OF THE COURT: Defense document 1069 will
2 receive exhibit No. 3697.

3 (Whereupon, the document above
4 referred to was marked defense exhibit
5 No. 3697 and received in evidence.)

6 MR. BLANFIEY: I will omit reading it. It has
7 no significance.

8 I offer in evidence the affidavit of TAKABE,
9 Rokuzo, defense document No. 2910.

10 THE PRESIDENT: Admitted on the usual terms.

11 CLERK OF THE COURT: Defense document 2910 will
12 receive exhibit No. 3698.

13 (Whereupon, the document above
14 referred to was marked defense exhibit
15 No. 3698 and received in evidence.)

16 MR. BLANFIEY: I read the affidavit which,
17 omitting the formal parts, is as follows:

18 "Q Did General UMEZU, Commander-in-Chief of
19 the Kwantung Army, give to you as Chief of General
20 Affairs of Manchukuo instructions concerning the relation
21 to be maintained between Manchukuo and the U. S. S. R.,
22 during his term?

23 "A The Commander-in-Chief of the Kwantung
24 Army, General UMEZU, gave to me instructions upon my
25 taking the position of Chief of General Affairs of

1 Manchukuo to the effect that now was the time that the
2 Government of Manchukuo should be most careful not to
3 irritate the U. S. S. R. in matters of dissemination of
4 information and propaganda.

5 "Q On the basis of the above instructions,
6 how did you guide and instruct your men?

7 "A I conveyed the instructions to the vice-
8 ministers of all the departments."

9 I call as a witness TAKEI, Seitaro, whose
10 testimony is contained in his affidavit, defense docu-
11 ment No. 2959.

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1 S E I T A R O T A K E I, called as a witness
2 on behalf of the defense, being first duly
3 sworn, testified through Japanese inter-
4 preters as follows:

5 DIRECT EXAMINATION

6 BY MR. BLAKENEY:

7 Q Please state your name, Mr. Witness.

8 A TAKEI, Seitaro.

9 Q Where do you reside?

10 A I reside at No. 38 Tokiwa-cho, Takasaki, Gunma
11 Prefecture.

12 MR. BLAKENEY: Let him be shown defense docu-
13 ment No. 2959.

14 (Whereupon, a document was handed
15 to the witness.)

16 Q Please examine that, Mr. Witness, and state
17 whether it is your affidavit, bearing your signature
18 and seal.

19 A This is o.k.

20 Q Are the contents thereof true and correct
21 to the best of your knowledge?

22 A Yes, true and correct.

23 MR. BLAKENEY: I offer in evidence the
24 affidavit, defense document No. 2959.

25 THE PRESIDENT: Admitted on the usual terms.

1 CLERK OF THE COURT: Defense document 2959
2 will receive exhibit No. 3699.

3 (Whereupon, the document above re-
4 ferred to was marked defense exhibit No. 3699
5 and received in evidence.)

6 A.R. BLAKENEY: I read the affidavit, omitting
7 the formal parts.

8 "I served as an operations staff officer of
9 the Kwantung Army from August 1940 to August 1943. I
10 state here about the outbreak of the Pacific War and
11 the relation of the Kwantung Army to it.

12 "1. No formal information came from Tokyo
13 to the Kwantung Army about the progress of the Japanese-
14 American negotiations which were under way from summer
15 to autumn of 1941. However, I used to go up to Tokyo
16 on business, at which times I got fragmentary news
17 of them, which I reported to the commander-in-chief
18 and others on my return. Therefore, the Kwantung
19 Army knew of the tense situation of the negotiations
20 with the United States by news of this kind as well
21 as by information in the newspapers.

22
23 "2. Commander UMEZU was very much worried
24 by receipt of such information, and used to express
25 to us staff officers his personal opinion that Japan
should not begin a war with the United States even

1 CLERK OF THE COURT: Defense document 2959
2 will receive exhibit No. 3699.

3 (Whereupon, the document above re-
4 ferred to was marked defense exhibit No. 3699
5 and received in evidence.)

6 A.R. BLAKENEY: I read the affidavit, omitting
7 the formal parts.

8 "I served as an operations staff officer of
9 the Kwantung Army from August 1940 to August 1943. I
10 state here about the outbreak of the Pacific War and
11 the relation of the Kwantung Army to it.

12 "1. No formal information came from Tokyo
13 to the Kwantung Army about the progress of the Japanese-
14 American negotiations which were under way from summer
15 to autumn of 1941. However, I used to go up to Tokyo
16 on business, at which times I got fragmentary news
17 of them, which I reported to the commander-in-chief
18 and others on my return. Therefore, the Kwantung
19 Army knew of the tense situation of the negotiations
20 with the United States by news of this kind as well
21 as by information in the newspapers.

22 "2. Commander UMEZU was very much worried
23 by receipt of such information, and used to express
24 to us staff officers his personal opinion that Japan
25 should not begin a war with the United States even

under the worst conditions.

1 "3. When I went up to Tokyo on business in
2 November 1941, I happened to have a talk with Director
3 of the Soldiers' Affairs Bureau TANAKA about current
4 conditions. Then I told him that Commander UMEZU
5 was of the opinion that Japan should not engage in
6 war with the United States in any circumstances, which
7 TANAKA well understood.

8 "4. The Kwantung Army received no intelligence
9 reports concerning operations plans against the United
10 States; much less were we consulted about those matters.

11 "We received a notice from Tokyo by telegram
12 at the end of November, that Japan was making preparations
13 for war with the United States. For the Kwantung Army
14 no new duties were assigned, however; it was emphasized
15 that the Kwantung Army should specially preserve
16 tranquillity with the U.S.S.R.

17 "We first knew of the outbreak of the war on
18 8 December by public broadcast on that very morning;
19 the formal order came after that.

20 "5. After the outbreak of the Pacific War,
21 Commander UMEZU frequently stated to me that it was
22 most unfortunate that Japan had begun war with the
23 United States."
24

25

You may cross-examine.

CROSS-EXAMINATION

1 BY COLONEL IVANOV:

2 Q Mr. Witness, what was your rank in 1940 when
3 you began to work in the Kwantung Army Headquarters?

4 A Lieutenant-Colonel in the Army.

5 Q And what was your rank in 1943 when you
6 finished your work in the Kwantung Army Headquarters?

7 A Colonel.

8 Q Mr. Witness, in item 4 of your affidavit you
9 point out that the Kwantung Army in 1941 should
10 preserve tranquillity with the U.S.S.R. Is that so?

11 A Yes.

12 Q Did you attend in your capacity of Operations
13 Staff Officer of the Kwantung Army on an equal footing
14 with other responsible officers of the Kwantung Army
15 Headquarters at the conferences of formation commanders
16 during the speeches made by the Commanding General
17 and the Chief of Staff of the Kwantung Army?

18 A Yes.

19 Q Do you remember that such conferences were
20 held in April and December 1941, and were you present
21 at them?

22 A I remember them; I attended them.

23 Q You, as well as other staff officers, were
24 shown records of the speeches made by the Chief of
25

Staff, were you not?

1 A Yes, I was informed.

2 Q Did the Commanding General of the Kwantung
3 Army and his chief of staff address those conferences --
4 Commanding General of the Kwantung Army UMEZU?

5 A Commanding General UMEZU gave instructions
6 and the Chief of Staff gave lectures.

7 Q And what was the basic idea of those addresses?
8 Was it also the preservation of tranquillity with the
9 U.S.S.R.?
10

11 A Commanding General UMEZU of the Kwantung
12 Army had the utmost concern with this matter and to
13 all the troops, units, armies and corps under his
14 command he gave the most rigid instructions that his
15 instructions be observed. The same similar instructions
16 were also issued by his Chief of Staff in the course
17 of his lectures.

18 COLONEL IVANOV: May the witness be shown
19 prosecution's document 3200.

20 (Whereupon, a document was handed
21 to the witness.)

22 Q Will you tell us, Mr. Witness, whether from
23 the document, the photo copy of which is being shown
24 to you, is an indication that the document was in the
25 possession of the Kwantung Army Headquarters?

TAKAI

CROSS

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1 A This constitutes a small part of the
2 lectures given by Chief of Staff TOJO at that time.

3 THE MONITOR: Strike "TOJO."

4 THE INTERPRETER: Correction: "This docu-
5 ment constitutes -- the contents of this document
6 constitutes but a small part of the lectures given
7 by the Chief of Staff at that time. Although this
8 is an authentic document, the most important portions
9 are omitted. I can say that this document is almost
10 valueless."

11 Q What is the date of the document?

12 A 5th of December 1941.
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TAKET

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Q Is the document marked "Top Secret"?

1 A Yes, I find the seal.

2 Q Please read the title of this document.

3 A "Gist of Lectures Given by the Chief of Staff
4 Before a Conference of Army and Corps Commanders Decem-
5 ber, 1941."

6 COLONEL IVANOV: I offer in evidence prosecu-
7 tion document No. 3200, which is a photo copy of the
8 original outline of the speech made by the Chief of Staff
9 of the Kwantung Army at the conference of Formation
10 Commanders in December, 1941, and relating to the matter
11 of information service and the study of military posi-
12 tion of the USSR in Mongolia. Two certificates are
13 attached to the photo copy. One of them is a certifi-
14 cate of the Military Historical Department of the
15 General Staff of the armed forces of the USSR.

16 THE PRESIDENT: Major Blakeney.

17 MR. BLAKENEY: I object to the reception of
18 this document on the ground it is without the scope of
19 the testimony in chief of this witness. It seems to
20 be offered in an effort to show that the Kwantung Army
21 did not attempt to preserve tranquility vis-a-vis the
22 USSR, and counsel therefore is purporting to hang the
23 cross-examination on the last sentence of the second
24 paragraph of section 4 of the affidavit.
25

1 I point out, however, that the sentence in
2 question relates to the order from Tokyo that the Kwan-
3 tung Army preserve tranquility with the USSR. The wit-
4 ness has in no way offered to testify concerning what
5 was done or was not done by the Kwantung Army, but has
6 confined his testimony solely to the question of what
7 information was supplied or what orders given from
8 Tokyo.

9 COLONEL IVANOV: Your Honor, the document
10 which I am now offering has direct bearing upon the
11 contention in the affidavit of the present witness that
12 the Kwantung Army should specially preserve tranquility
13 with the USSR, and the document which is being offered
14 shows that the Kwantung Army was preparing for an attack
15 against the USSR and was waiting for a favorable time
16 and turning point in the situation.

17 THE PRESIDENT: By a majority the objection
18 is overruled and the document admitted.

19 CLERK OF THE COURT: Prosecution document
20 3200 will receive exhibit No. 3700.

21 (Whereupon, in document above
22 referred to was marked prosecution exhibit
23 No. 3700 and received in evidence.)

24 COLONEL IVANOV: With the Tribunal's permission
25 I shall read the document, exhibit 3700:

1 "OUTLINE OF THE SPEECH MADE BY THE CHIEF OF
2 STAFF, KWANTUNG ARMY, AT THE CONFERENCE OF FORMATION
3 COMMANDERS IN DECEMBER, 1941.

4 "Headquarters of the Kwantung Army, 5 December
5 1941.

6 "IV. On the Information Service.

7 "1. Regarding Investigation of the Soviet-
8 Mongolian Military Situation.

9 "Changes in the international situation are
10 extremely rapid. Especially inconstant is the Soviet-
11 Mongolian military situation in the Far East, which is
12 changing hourly in accordance with developments in the
13 Russo-German War situation and with the tense situation
14 in the Pacific its true state is difficult to comprehend
15 at present.

16 "However, in order to complete the uninter-
17 rupted preparation for operations against the USSR not only
18 the KWANTUNG Army but also the front-line armies and
19 army groups must watch for changes in the ever-changing
20 Soviet-Mongolian military situation and exert their
21 utmost efforts so as to comprehend the actual situation
22 at the moment. This is more true in the present situa-
23 tion in which earlier discernment of indications of
24 change in the situation is more and more urgently re-
25 quired.

CROSS

"In this connection, I earnestly
each assigned organ of information be en-
directed to attain more success in informat-

ing of the Soviet-Mongolian military situation.
"2. Regarding diffusion and thorough-

"It is an important matter indispensable for
preparing operations against the USSR to have each
assigned army group and unit understand thoroughly the
present Soviet-Mongolian military situation. However,

to our regret the carrying out of this task at present
is more difficult than before the commencement of the
Kwantung Army Special Maneuvers. Especially that staff
increase in the number of specially formed units in connec-

tion with the KWANTUNG Army Special Maneuvers.
"Therefore, I desire especially that guided so
officers and subordinates be encouraged and guided so
that the Soviet-Mongolian military situation may come
to be perfectly understood by them."

"Will you tell us, Mr. 'Witness', isn't it
clear from this document that as a matter of fact the
Kwantung Army took measures to provide for the speedy
preparation for an attack against the USSR and was wait-
ing for a turning point in the war in the West?"

A The contents which has just been read is in
the
A
Kwantung Army
Commanders of the
instructions or orders
General.

Correction: In the document, it
appears that the Chief of the Kwantung Army gave
lectures of instructions to the Formation Commanders
of the army in accordance with orders from the Command-
ing General.

1 "In this connection, I earnestly desire that
2 each assigned organ of information be encouraged and
3 directed to attain more success in information services.

4 "2. Regarding Diffusion and Thorough Understand-
5 ing of the Soviet-Mongolian Military Situation.

6 "It is an important matter indispensable for
7 preparing operations against the USSR to have each
8 assigned army group and unit understand thoroughly the
9 present Soviet-Mongolian military situation. However,
10 to our regret the carrying out of this task at present
11 is more difficult than before the commencement of the
12 Kwantung Army Special Maneuvers due to the considerable
13 increase in the number of personnel for training and
14 in the number of the specially formed units in connec-
15 tion with the KWANTUNG Army Special Maneuvers.

16 "Therefore, I desire especially that staff
17 officers and subordinates be encouraged and guided so
18 that the Soviet-Mongolian military situation may come
19 to be perfectly understood by them."

20 Q Will you tell us, Mr. Witness, isn't it
21 clear from this document that as a matter of fact the
22 Kwantung Army took measures to provide for the speedy
23 preparation for an attack against the USSR and was wait-
24 ing for a turning point in the war in the West?

25 A The contents which has just been read is in

1 connection with matters which were of interest only
2 to those who were connected with the question of infor-
3 mation and intelligence. The question of preserving
4 tranquility vis-a-vis the Soviet Union, which was the
5 all-important policy of the Kwantung Army, is an entire-
6 ly separate matter.

7 Q Do you confirm that this speech made by the
8 Chief of Staff of the Kwantung Army was made in the
9 presence of Commanding General UMEZU, who approved of
10 it?

11 A It is a document approved by the Commanding
12 General, UMEZU. It is shown on this document that it
13 was approved by the Commanding General, UMEZU.

14 Q Were the demands set forth in the directives
15 sent out by the Chief of Staff of the Kwantung Army to
16 the Formation Commanders of the Kwantung Army?

17 A The practice was for the Chief of Staff of the
18 Kwantung Army to give lectures to all the Formation
19 Commanders of the Kwantung Army in accordance with in-
20 structions or orders from the Commanding General.

21 Correction: According to this document, it
22 appears that the Chief of Staff of the Kwantung Army gave
23 lectures of instructions to the Formation Commanders
24 of the army in accordance with orders from the Command-
25 ing General.

1 Q Didn't the Commanding General of the Kwantung
2 Army, UMEZU, direct the measures known under the name
3 of Kantokuen, which is mentioned twice in this document?

4 A There is no mistaking the fact that General
5 UMEZU supervised the matter in accordance with the
6 orders from the Central Army Authorities.

7 Q Wasn't the basic purpose of Kantokuen speedy
8 military preparation in expectation of the turning point
9 in the Russo-German war?

10 A No, that is entirely wrong.

11 COLONEL IVANOV: May the witness be shown
12 prosecution document No. 3201?

13 (Whereupon, a document was handed
14 to the witness.)

15 Q Tell us, Mr. Witness, does this document,
16 the photo copy of which is being shown to you, also
17 belong to the Kwantung Army Headquarters and relate to
18 1941?

19 A I recall that the gist of a part of the lec-
20 tures was given by the Chief of Staff of the Kwantung
21 Army at a conference of Formation Commanders on the 26th
22 of April, 1941, as given here.

23 Q Is the document marked "Secret"?

24 A It says "Military Top Secret."
25

1 COLONEL IVANOV: I offer in evidence prosecu-
2 tion document No. 3201, which is a photo copy of the
3 original outline of the speech made by the Chief of
4 Staff of the Kwantung Army at the conference of For-
5 mation Commanders in April, 1941, concerning the esti-
6 mate of the situation in regard to the Soviet and the
7 Japanese-Soviet neutrality pact.

8 THE PRESIDENT: Admitted on the usual terms.

9 CLERK OF THE COURT: Prosecution document
10 3201 will receive exhibit No. 3701.

11 (Whereupon, the document above
12 referred to was marked prosecution exhibit
13 No. 3701 and received in evidence.)
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COLONEL IVANOV: With the Tribunal's

1 permission I shall read an excerpt from this document,
2 beginning with the second paragraph:

3 "The Soviet Union, considering this present
4 European War as a good opportunity with which to
5 realize her world policy, is secretly planning to
6 prolong this war and to extend it territorially. On
7 the surface, the Soviet Union is strictly maintaining
8 an attitude of neutrality and progressing towards
9 the strengthening of her own power. On the other
10 hand, she is facing this war with a policy of gradually
11 expanding her sphere of influence without being
12 thrown into the vortex of war. However, the sensa-
13 tional war results of the German Army since the out-
14 break of the war and its concentration of superior
15 military forces in the East not only gradually
16 deepened the apprehension of the Soviet Union but as
17 was expected the recent execution by force of Germany's
18 Balkan policy inflicted a great menace to the Soviet
19 Union's policy towards Southeastern Europe.
20

21 "Relations between Germany and the Soviet
22 Union has not necessarily continued to be favorable
23 as it was in the beginning. Germany's maintenance of
24 a powerful force against Soviet Union is a great
25 threat to her; she is openly expressing her opposition

1 to Germany's Balkan policy, and being in great fear
2 of Germany making a rear attack, she is intently
3 strengthening her preparations for war against Germany
4 in her western front.

5 "Just at this time, on April 13, the Russo-
6 Japanese Neutrality Pact was concluded in Moscow.
7 Although its content is as was already announced, I
8 shall take this opportunity to try to express my
9 opinions concerning this pact.

10 "1. In accordance with the present situa-
11 tion of the Empire, it is a diplomatic measure planned
12 to maintain for the time being, peace between Japan
13 and the Soviet Union for the purpose of strengthening
14 the Tri-Partite Alliance. Whether or not this pact
15 can be made effective depends upon the future atti-
16 tude of the two countries. It cannot be considered
17 that we can immediately enter into friendly relations
18 with the present attitudes. Consequently, in order
19 to make this pact effective, our Army absolutely
20 cannot permit the slacking down in its preparations
21 for military operations. By steadily strengthening
22 and expanding these preparations, the effectiveness
23 of the pact will be promoted. The Army will not make
24 any changes in its past policies. However, useless
25 speeches and actions of soldiers and officers which

1 would negate the effectiveness of this pact should
2 be checked absolutely and at the same time it is of
3 vital importance that proper Army duties be carried
4 out silently to the utmost degree adhering to the
5 above views.

6 "2. The mental attitude of the Army in
7 connection with the conclusion of this neutrality
8 pact is as stated previously. However, since there
9 is a fear that the past tension which existed between
10 Japan and Manchukuo on the one hand and Russia and
11 Mongolia on the other would suddenly be relieved based
12 on the misunderstanding of this pact by the officials
13 and people of Manchukuo, in guiding them, there is a
14 necessity to leave no room for regret.

15 "3. There are people in both Japan and
16 Manchukuo who often say that military preparations
17 against Soviet Russia may be reduced since the neu-
18 trality pact was concluded. However, as mentioned
19 previously, there must not only be no changes in our
20 past policy of military preparations against Soviet
21 Russia, but since the necessity for us to take a pre-
22 cise and lofty attitude towards ideology, counter-
23 espionage, and other forms of strategm is especially
24 great, it is necessary for us to have our subordinates
25 thoroughly understand this purport promptly.

1 "Moreover, in regards to having our subordi-
2 nates thoroughly understand this, it is especially
3 necessary to carry it out in strict secrecy and care-
4 fulness in order to prevent the nullification of the
5 political effect of this pact. Although the general
6 trend of the Soviet Union and the opinions concerning
7 the conclusion of the Neutrality Pact are as stated
8 above, the accumulation of the Soviet Union's military
9 power in the next few years will exert a grave influence
10 on both Japan and Manchukuo. Therefore, on the one
11 hand, we must steadily strengthen and expand our
12 preparations for war against the Soviet Union, and
13 on the other hand, we must promote friendly relations
14 with Russia. Together with striving for the realiza-
15 tion of armed peace, we must make preparations for
16 certain victory in military operations against the
17 Soviet Union in case of emergency."

18 Q Mr. Witness, will you tell us whether this
19 speech was also made in the presence of the Commanding
20 General UMEZU and whether it was approved by him, this
21 speech made by the Kwantung Army Chief of Staff?

22 A I have no recollection now whether or not
23 General UMEZU was present.

24 Q But as a staff officer of the Kwantung Army
25 you, Mr. Witness, should know whether the Chief of

1 Staff could make a responsible address to the
2 Formation Commanders and give them instructions
3 without the previous approval of the Commanding General
4 of the Kwantung Army?

5 A Whenever the Chief of Staff made any lecture
6 it naturally required the approval of the Commanding
7 General; but whenever the Chief of Staff made any
8 lectures at any meeting, the Commanding General of
9 the Kwantung Army was not necessarily present.

10 COLONEL IVANOV: May the witness be
11 again shown exhibit 3701?

12 (Whereupon, a document was handed
13 to the witness.)

14 Q Mr. Witness, will you please read the
15 inscription on the back of the first page written in
16 Japanese by the full General KAWABE?

17 A IPS document No. 3201, handed to me by the
18 International Prosecution Section, is an accurate
19 photostat of an outline of addresses made by the
20 Chief of Staff of the Kwantung Army before Kwantung
21 Army Formation Commanders. This conference was held
22 on the 26 April 1941 under the auspices of the Command-
23 ing General of the Kwantung Army, General UMEZU, at
24 which a lecture was given by the Chief of Staff of
25 the Kwantung Army. I was present at the lecture.

TAKEI

CROSS

36,913

1 After the conclusion of the conference I was handed
2 a document of which this is a photostatic copy at the
3 conference. I identify this as being an authentic
4 document.

5 THE PRESIDENT: We will adjourn until half-
6 past nine tomorrow morning.

7 (Whereupon, at 1600, an adjournment
8 was taken until Thursday, 8 January 1948, at
9 0930.)
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